

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

9 FIRST APPEAL (ST) NO.3420 OF 2016

G.M.I.D.C. AURANGABAD THROUGH
THE EXECUTIVE ENGINEER, LOWER
TERNA PROJECT, LIFT IRRIGATION
WORK, OSMANABAD

.. Appellant

VERSUS

NAGARBAI NIVRUTTI MALI (DIED)
THROUGH HER LRS
SUBHADRAIBAI MARUTI MALI AND
OTHERS

..Respondents

...

Advocate for Appellant	:	Shri. P. V. Tapse Patil
Advocate for Respondents No.1 to 5	:	Shri. N.S. Patil h/f
		Shri. R.P. Adgaonkar
AGP for Respondent No.6 / State	:	Shri. S.P. Sonpawale

...

**WITH
CIVIL APPLICATION NO. 8864 OF 2016**

**CORAM : P.R. BORA, J.
Dated: July 13, 2017**

PER COURT :

. In view of the order passed below the application under
Condonation of Delay, the matter is taken up for final hearing with
consent of the learned Counsel appearing on behalf of the respective
parties.

2. Heard learned Counsel for the acquiring body and the
learned Counsel appearing for respondents/claimants. Perused the

impugned Judgment & Award. The land, which is the subject matter of the present appeal, is admeasuring only 17 *Are* and the total compensation as has been awarded by the Reference Court is of Rs.34,000/- i.e. at the rate of Rs.2,000/- per *Are*. Perusal of the impugned Judgment shows that, the Reference Court had considered the sale instances placed on record by the claimant. Admittedly, no oral or documentary evidence was adduced by the State or the acquiring body. On perusal of the impugned Judgment, it does not appear to me that, the tribunal has committed any error in determining the market value of the acquired land at the rate of Rs.2,000/- per *Are*. Having regard to the fact that, the acquisition is of the year 1993, the land acquired is a small piece of land admeasuring 17 *Are* and further that, the amount involved in total is Rs.34,000/-, it does not appear to me that, this Court shall cause any indulgence in such matter. Even otherwise as I mentioned earlier, there is no unreasonableness in the conclusion recorded by the tribunal. I, therefore, do not see any reason to cause interference in the impugned Judgment. Hence, the following order.

ORDER

- (i) The appeal is dismissed, however without any order as to the costs.
- (ii) Pending civil application, if any, stands disposed of.

(P. R. BORA, J.)